

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 4/7/2004

ITEM No. _____

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT	La Reggia 5-BA-2004
REQUEST	Request to approve a wall height variance on a 0.74 +/- acre parcel located at 9494 E Taro Lane with Single Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning
OWNER	Phil Dawson 480-860-6200
APPLICANT CONTACT	MARK FELLMAN CELEBRITY HOMES 480-607-0669
LOCATION	9494 E Taro Ln
CODE ENFORCEMENT ACTIVITY	None
PUBLIC COMMENT	None as of the drafting of this report.
ZONE	R1-35 ESL (Single Family Residential, Environmentally Sensitive Lands)
ZONING/DEVELOPMENT CONTEXT	<p>This parcel is located on lot 14 within the La Reggia custom home subdivision. This 24-lot subdivision was platted back in January of 2001. Approximately one half of the homes in the subdivision have been constructed or are under construction at this time.</p> <p>To the west of La Reggia is Ironwood Village, an R1-10 zoned single family subdivision that has been in existence since 1990.</p> <p>To the east is the Reatta Wash and the D.C. Ranch master planned community, zoned O-S PCD and R1-7 PCD.</p> <p>To the north is Pima Acres, an R1-35 single-family residential zoned subdivision.</p>
ORDINANCE REQUIREMENTS	Article V, Section 5.204.G requires that walls, fences and hedges shall not exceed 3-feet in height on the front property line or within the required front yard.

DISCUSSION

The applicant is requesting a variance for a home under construction, to allow a 6-foot tall wall to be constructed within the required front yard setback along 95th Way. The Zoning Ordinance requires that a front yard setback be provided on both the street frontages along Taro and 95th Way for buildings, walls, fences and hedges. Through the use of amended development standards, the required front yard setback for this subdivision is 30 feet.

The applicant is requesting a 3-foot wall height variance so they can construct a 6-foot high wall at a location 15 feet setback from the east property line. No walls, fences or hedges over 3 feet are to be allowed within the required front yard per the Zoning Ordinance.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The applicant indicates that a special circumstance does exist on the lot with regards to the wash/drainage easement that takes up the western 1/5 of the lot making that portion of the lot unusable.

Staff agrees that a large portion of the lot is contained in NAOS and drainage easements located behind a 15-foot tall floodwall with view fence. However, several of the lots within this subdivision deal with the issue of on-lot drainage and natural area open space easements that cut into usable yard area.

- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

The applicant states that without the issuance of this variance request, the property value will be at a disadvantage because the usable backyard area would be the smallest in the subdivision.

Staff realizes that the current orientation, size of the home, and size of the drainage easement creates a smaller usable area for a backyard than the owner would like to have. Any other options to increase walled in backyard area, such as building a smaller home or re-orienting the home, are no longer available as the home is nearing completion.

- 3. That special circumstances were not created by the owner or applicant:**

The applicant states that the special circumstance has been created by the pre-existing condition of the wash and flood wall location.

The location, size and configuration of this lot were not necessarily created by the variance applicant, but rather the master developer when the subdivision was being platted.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The applicant states that the proposed wall location and height will not be a detriment to others nor will it be an eyesore. The wall will be outside of the sight distance visibility triangle at the intersection of Taro and 95th Way.

Staff agrees that the wall location and height will not be a vision hazard to drivers. However, placing a 6 foot wall at the proposed location might possibly be seen as a detriment by the neighbor to the north as the new wall will be 15 feet closer to the street than it would typically be allowed. Staff has not received any comment from the owner to the north or from others owners in the neighborhood as of the drafting of this report.

STAFF CONTACT

Keith Niederer, Planner
Report Author
Phone: 480-312-4211
E-mail: KNiederer@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Narrative
2. Background Information
3. Justification
4. Context Aerial
5. Aerial Close-up
6. Zoning Map
7. Photographs
8. Proposed Site Plan
9. Staff wall location graphic



City of Scottsdale PROJECT NARRATIVE

1
STOP SHOP

- ☐ Rezoning ☐ Other
- ☐ Use Permit
- ☐ Development Review
- ☐ Master Sign Programs
- ☒ Variance

Case # 152-PA-2004

Project Name LAREGGIA

Location 9494 E TRO LANE

Applicant CELEBRITY HOMES

SITE DETAILS

Proposed/Existing Zoning: R1-35 ESL

Use: RES

Parcel Size: R1-35

☐ Gross Floor Area ☐ Total Units: 1

☐ Floor Area Ratio ☐ Density: 1

Parking Required: N/A

Parking Provided: N/A

Of Buildings: #1

Height: 21'

Setbacks: N- 25' S- 30'

E- 30' W- 12'

In the following space, please describe the project or the request

WE PROPOSE TO RELOCATE OUR NEW WALL LOCATION FROM A 30' SET BACK TO A 15' SET BACK LINE. WE FEEL WE HAVE A EXISTING HARSHIP CASE BECAUSE OF THE PREEXISTING WASH AND FLOODWALL AND THE DEFINITION OF KEY LOT. BECAUSE OF THESE CONDITIONS OUR BACKYARD BECOMES ONE OF THE SMALLEST AND LEAST DESIRABLE BACK YARDS IN THE SUBDIVISION. OUR NEW INTENTION OF MOVING THE SET BACKIL REQUIREMENTS WOULD NOT BE A DETREMENT TO THE NIGGHBORS OR THE SURROUNDING HOMES OR STREETS. THE NEW WALL LOCATION WOULD ONLY IMPROVE THE EXISTING CONDITION DUE TO THE FACT THAT THE STREET SIDE WOULD BE LAND SCAPED WITH DESERT PLANT TO PRESERVE THE AREA.

(If an additional page[s] is necessary, please attach.)

CD03251 (2/94)
ATTACHMENT #1

Background Information
For Board of Adjustment



DATE _____
APPROVED AS PRESENTED _____
APPROVED W/STIP _____
DENIED _____

CASE # 5-BA-2004
PROJECT # 52-PA-2004
CONTINUED TO _____
HEARING DATE _____
CHAIRMAN _____

APPLICANT TO FILL OUT THIS PORTION

VARIANCE REQUESTED AT (STREET ADDRESS WHERE VARIANCE IS REQUESTED)

9494 E. Taro Lane

TO BE COMPLETED BY YOUR COORDINATOR

ARTICLE AND SECTIONS OF ZONING ORDINANCE TO BE VARIED _____

Article V, Section 5.204.G

SCOTTSDALE ZONING REQUIRES that walls, fences and hedges shall not exceed 3-feet on the front property line or within the required front yard.

APPLICANT'S REQUEST provide a 6-foot tall wall within the required front yard along 95th Way.

AMOUNT OF VARIANCE 3-feet.

PROCEDURES OF THE BOARD OF ADJUSTMENT

There will be three notices of hearing: One on the property, two within 300 feet, and a notice will be published in the daily newspaper, at least 15 days before the hearing, and a notice will be mailed to adjacent property owners, within 300', at least 15 days before the hearing.

The Chairman shall determine what parties are available to represent the applicant, and they shall present the case. The staff will be heard, then those in favor or in opposition. After arguments have been heard, the party representing the owner will have an opportunity for rebuttal after which the Chairman may declare the questioning and argument closed. A vote will then be taken on the matter of approval or denial.

No variance shall be granted resulting in any changes in the uses permitted in any zoning classification or which constitute special privilege.

The application and all maps, plans and other accompanying dates and material shall be available for public inspection during office hours at the office of the building official.

A notice of hearing will be mailed to the applicant 6 days before the hearing.

For information regarding applications please call: 994-7080.



Justification For
Requested Variance



CASE # _____

PROJECT # 52 - PA 2004

APPLICANT TO FILL OUT THIS PORTION

Address Where Variance is Requested

9494 E. TRO LANE

JUSTIFICATION

Must Be Completed Fully By Applicant (All Four Justifications Must Be Satisfied)

1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address.

THE SPECIAL CIRCUMSTANCES ARE THAT THERE
IS AN EXISTING WASH WITH A FLOOD WALL
THAT TAKES UP APPROX 1/5TH OF THE LOT
THAT BECOMES UNUSABLE. BECAUSE OF THE EXISTING
CONDITION OF THE FLOOD WALL THIS LOT BECOME A KEY LOT.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district.

DOE TO THE FACT THAT WITHOUT THE
VARIANCE OF THE NEW WALL LOCATION OUR
PROPERTY VALUE WOULD BE AT A DISADVANTAGE BECAUSE
OUR BACK YARD WOULD BE ONE OF THE SMALLEST
IN THE SUBDIVISION BECAUSE OF THE SET BACKS.

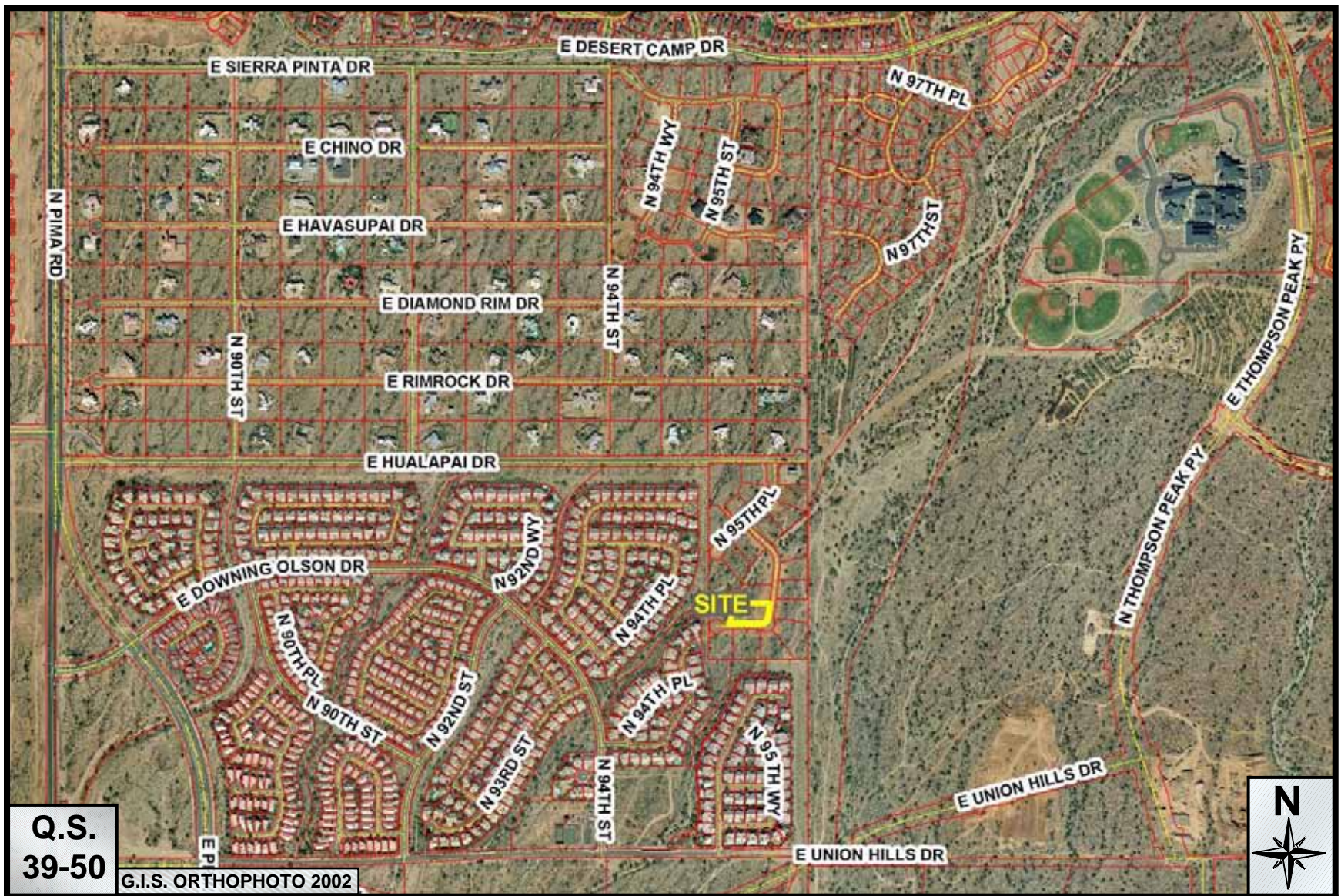
3. That special circumstances were not created by the owner or applicant.

THIS CIRCUMSTANCE WAS CREATED BY A PREEXISTING
CONDITION DUE TO THE WASH AND FLOOD WALL. IT IS
OUR INTENTION NOT TO CREAT A SPECIAL
CIRCUMSTANCE BUT A NORMAL AND VISUAL
FLOW FOR THE VISUAL EFFECTS OF THE AREA.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

THE NEW WALL CONDITION WILL NOT BE A
DETREMENT TO OTHERS NOR AN EYE SOAR DUE
TO THE FACT THAT NORMAL VISABILITY SITUATIONS
FOR WALL SET BACK ARE 15'.

ATTACHMENT #3



Q.S.
39-50

G.I.S. ORTHOPHOTO 2002

La Reggia

5-BA-2004

ATTACHMENT #4



Q.S.
39-50

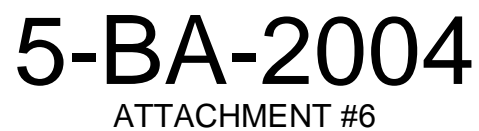
G.I.S. ORTHOPHOTO 2002



La Reggia

5-BA-2004

ATTACHMENT #5





15720 N. Greenway Hayden Loop
Suite 7
Scottsdale, Arizona 85260
(602) 607-0669
FAX 607-9156



WEST



NW

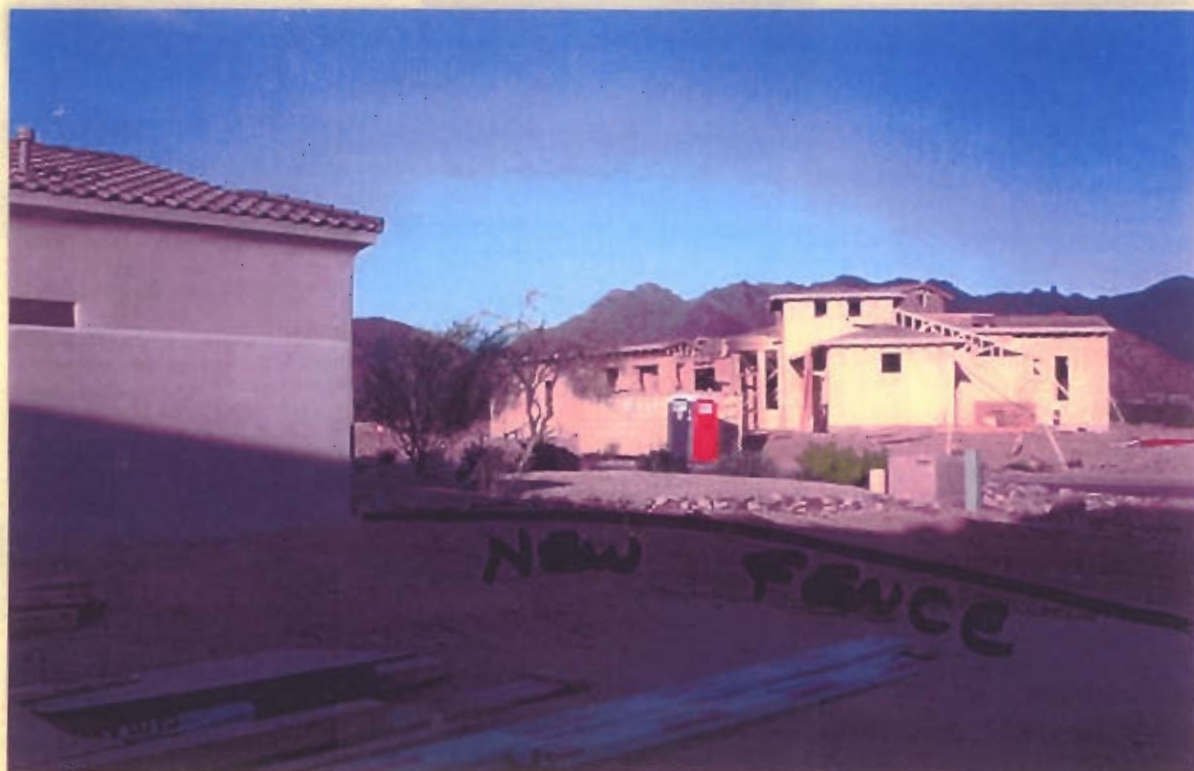
ATTACHMENT #7



15720 N. Greenway Hayden Loop
Suite 7
Scottsdale, Arizona 85260
(602) 607-0669
FAX 607-9156



EAST



NE



15720 N. Greenway Hayden Loop
Suite 7
Scottsdale, Arizona 85260
(602) 607-0669
FAX 607-9156



WEST



N.W



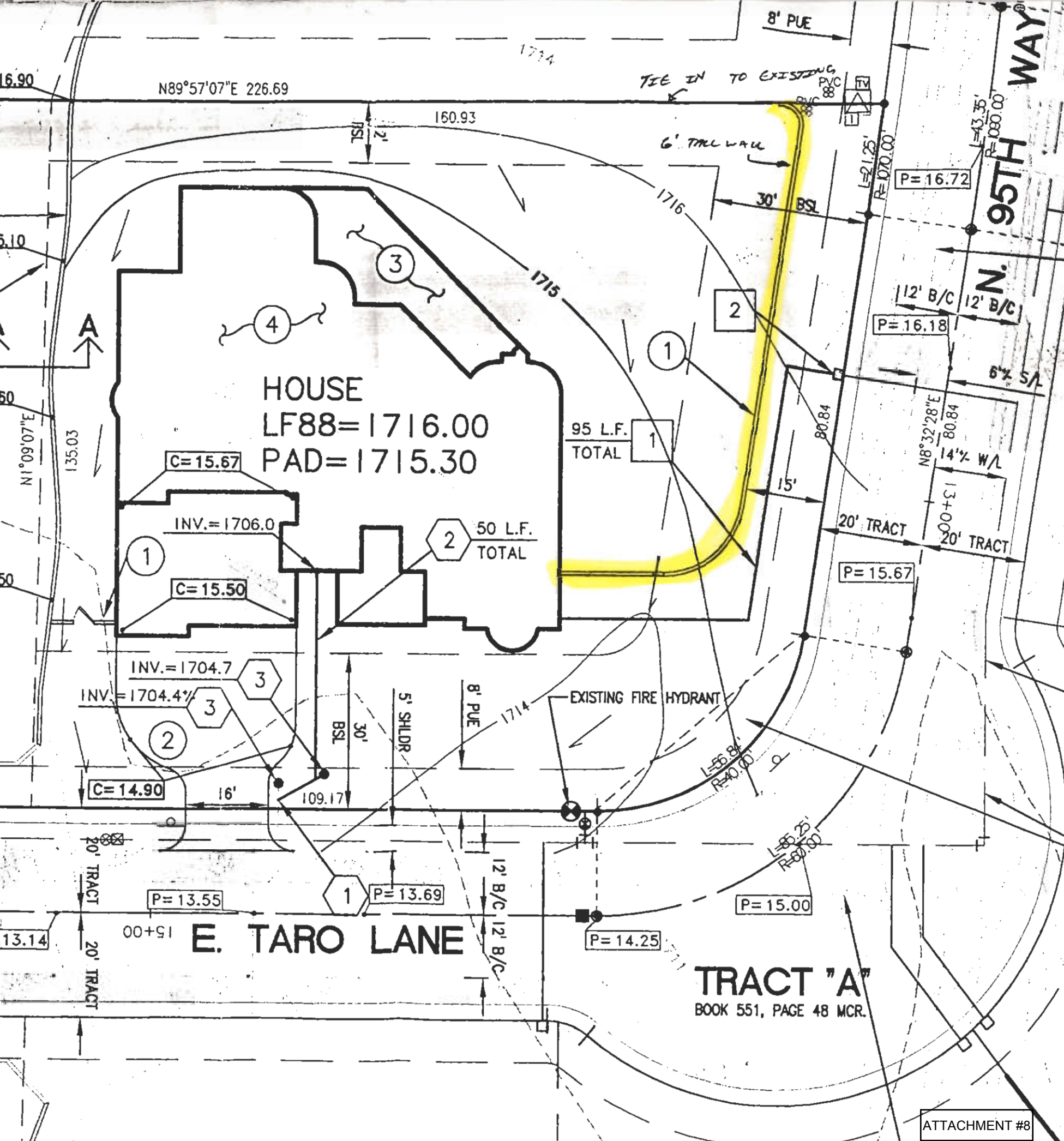
15720 N. Greenway Hayden Loop
Suite 7
Scottsdale, Arizona 85260
(602) 607-0669
FAX 607-9156



WEST



WEST





Legend

- Permissible 6ft wall location
- Requested 6ft wall location
- Building Envelope



0 12.5 25 50 Feet

1 inch equals 35.67 feet

5-BA-2004

ATTACHMENT #9

